

By: **Delegate C. Davis**

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Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 27, 2003

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2003

CHAPTER _____

1 AN ACT concerning

2 **Department of the Environment - Hazardous Waste Facilities - Public**
3 **Comment**

4 FOR the purpose of requiring the Hazardous Waste Facilities Siting Board to seek the
5 comments of residents ~~of the community in which a certain facility is to be~~
6 located who live within a certain distance of the proposed site of a certain facility
7 at a certain time before the issuance of a certain certificate; and generally
8 relating to comments about hazardous waste facilities.

9 BY repealing and reenacting, without amendments,
10 Article - Environment
11 Section 7-401 and 7-406(a)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Environment
16 Section 7-406(f)
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Environment**

2 7-401.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) "Board" means the Hazardous Waste Facilities Siting Board.

5 (c) "Certificate" means a certificate of public necessity issued by the Board.

6 (d) "Facility" means any structure, equipment, machinery, bins, tanks, pipes,
7 pumps, conveyors, wells, trenches, pits, or cells used for treatment, processing,
8 reconditioning, exchange, incidental storage in connection with the preceding
9 activities, long-term storage, or ultimate disposal of hazardous or low-level nuclear
10 waste.

11 (e) "Hazardous waste" means any waste substance or material designated as a
12 hazardous substance pursuant to § 7-208 of this article.

13 (f) "Low-level nuclear waste" means any substance or material designated as
14 low-level nuclear waste under § 7-208 of this article.

15 (g) "Service" means the Maryland Environmental Service.

16 (h) "Site" means the geographic area to be occupied by a facility, including
17 buffer or security areas and areas used for any appurtenant functions.

18 (i) "Subdivision" means the 23 counties or Baltimore City and incorporated
19 municipalities.

20 7-406.

21 (a) Each application for a certificate submitted to the Board shall contain a
22 report with information of the type, quality, and detail that will permit adequate
23 consideration of the environmental, social, technical, and economic factors involved in
24 the establishment and operation of the proposed facilities. The applicant shall make
25 the report available to affected subdivisions and to the public.

26 (f) (1) At least 90 days prior to issuance of a certificate, the Board shall seek
27 the advice and comment of the following:

28 (i) The Secretaries of Natural Resources, the Environment,
29 Business and Economic Development, and Agriculture;

30 (ii) The Director of Planning;

31 (iii) The Controlled Hazardous Substances Advisory Council; and

32 (iv) The governing body of any subdivision of the State within which
33 all or part of the proposed site is to be located and the governing bodies of adjoining
34 subdivisions.

1 (2) At least 90 days prior to the issuance of a certificate, the Board shall
2 seek the comments of:

3 (I) [each] EACH landowner of record whose property is within
4 1000 feet of the proposed site; AND

5 (II) ~~RESIDENTS OF THE COMMUNITY IN WHICH THE PROPOSED~~
6 ~~SITE IS TO BE LOCATED WHO LIVE WITHIN 1 MILE OF THE PROPOSED SITE.~~

7 (3) Within 30 days after the Board seeks the advice of a party listed
8 under subsection (f)(1) of this section, the party shall respond to the Board in writing
9 by either:

10 (i) Setting forth the advice and comments of the party as to the
11 proposed certification; or

12 (ii) Stating that the party has no comments as to the proposed
13 certification.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2003.